

**DRAFT**  
**REGION 6 EXECUTIVE SUMMARY**

TOPIC: TX SO<sub>2</sub> Nonattainment Area Options

DATE: 3/7/18

PURPOSE/ACTION NEEDED: For Information

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DEADLINE DATE: None at this time

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**BACKGROUND:**

EPA signed the rulemaking for nonattainment designations for the two East TX areas on November 29, 2016. The final rule was published in the Federal Register on December 13, 2016.

**CURRENT STATUS:**

As a follow-up to the 2/22/18 OAR briefing on the TX SO<sub>2</sub> Petitions for Reconsideration, EPA will contact TX. To have a discussion with the State on options, we need to clarify what we need for a clean data determination, or a redesignation request & limited maintenance plan. Details on what action/information we need from the state and what we can do ourselves. For both options, EPA needs to conduct notice and comment rulemaking.

- **Clean Data Determination (CDD):**

- This option would suspend SIP elements, including:
  - attainment demonstration;
  - reasonable further progress (RFP) plan;
  - Reasonably Available Control Measures (RACM) demonstration; and
  - contingency measures plan
- Area remains designated non-attainment and companies remain subject to the Nonattainment New Source Review permitting requirements.
- **What is not Required**
  - There is no requirement to revise the SIP to get the CDD.
  - We do not need a request from the state to issue a CDD.
- **Technical Needs**
  - We need the shutdowns to be permanent and enforceable in order to issue the CDD.
  - The Emissions Inventory (EI) requirement applies (*not an attainment planning requirement so it is not suspended*)
  - Demonstration showing areas comply with the NAAQS.

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- The review team is leaving what is needed for modeling to the R6/HQ modelers to decide.
- R6 can ask TX if they are willing to provide this demonstration, or R6 can choose to do it ourselves.

- **Redesignation to Attainment and Approval of a Limited Maintenance Plan:**

Under this option, EPA would redesignate the area to attainment and approve the maintenance plan

- **What is not Required**
  - Since there are no significant sources in the areas other than the shutdown power plants, no RACT/RACM analysis is required.
  - Since compliance with the NAAQS must be demonstrated, no RFP requirements apply.
- **Technical Needs**
  - TX is required to conduct SIP rulemaking on the redesignation request and maintenance plan.
  - To make the shutdowns permanent and enforceable, TCEQ must revoke the NSR permits and remove the emissions from the EI (*before the redesignations can go final*).
  - The EI requirement remains applicable for purposes of redesignation (*but is minimal here*).
  - Demonstration showing areas comply with the NAAQS. (*See requirements for CDD above*).

The initial maintenance plan requirements in these two particular cases can be limited because there are no other significant SO<sub>2</sub> sources in the relevant areas other than the shutdown power plants.

- A limited maintenance plan would be streamlined and include the following:
  1. The state needs to demonstrate that they will maintain the standard for 10 years. This can just be a projection that there will be zero emissions from the sources for the next ten years and/or through an annual emissions review of major sources.
  2. An attainment emissions inventory- if Big Brown and Monticello are the only major point sources and they are shut down, then the EI is basically zero. Otherwise, show that the other minor point sources' emissions in the relevant areas are at or below 85% of the standard.
  3. Maintenance demonstration – same as #1
  4. Verification of continued maintenance – Same as #1
  5. Contingency plan – a way of assessing SO<sub>2</sub> air quality in the event existing conditions change; showing that there are no major point sources in the area, and that if a new major point source moves into the area, it will comply with all state and federal requirements, e.g., NSR SIP permitting. TCEQ also commits to maintain its compliance and enforcement program to identify sources of violation of the standard and to take aggressive measures to follow up.

- Contingency for a new gas plant at one of the sites

## Deliberative Process / Ex. 5